



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

November 5, 2019

BY ECF

Honorable Richard M. Berman
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007

**Re: United States v. Turkiye Halk Bankasi A.S.,
S6 15 Cr. 867 (RMB)**

Dear Judge Berman,

The Government respectfully submits this letter to provide additional information regarding its efforts to provide notice to the defendant, Turkiye Halk Bankasi A.S. ("Halkbank"), of the indictment and summonses in this matter. As noted in our letter dated yesterday, among other delivery efforts, the indictment, the summons dated October 23, 2019, and the Court's October 23, 2019 order were sent for delivery by FedEx to Halkbank's Legal Department at its headquarters address. The Government was advised by FedEx that delivery was refused.

Today, we received additional information from FedEx regarding the delivery refusal (attached as Exhibit A). According to FedEx, its Turkey office received a handwritten communication in both Turkish and English apparently signed by a member of Halkbank's legal department. The English communication reads:

Please be informed that this package . . . sent by the U.S. Attorney's Office for the Southern District of New York was [ill.] and not accepted by this Bank, since the form of delivery is not in compliance with the legal service provisions of bilateral treaties between the Turkish Republic and the U.S.

For this reason, and those set forth in yesterday's letter, it is clear that Halkbank is aware of the Indictment and the Court's summonses and is attempting to evade service. Notwithstanding those efforts, service of the indictment and summonses has been effected consistent with Rule 4

of the Federal Rules of Criminal Procedure and Halkbank is required to appear in this matter to answer the charges against it.

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney

by: /s/
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W. Denton, Jr. / Jonathan Rebold / Kiersten A.
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cc: Counsel of Record (by ECF)
Drew Hruska, Esq. (by email)



VIA EMAIL: [REDACTED]@usdoj.gov

November 5, 2019

[REDACTED]
USDOJ/U.S. Atty. Office
1 Saint Andrews Plaza
New York, NY 10007

Dear [REDACTED]:

I am writing in regard to your October 23, 2019 shipment, under package tracking number 856351660142.

Thank you for bringing this matter to our attention. According to our records, this shipment was tendered to FedEx on Wednesday, October 23, for delivery by 8:00 p.m. on Friday, October 25, provided there were no Customs or otherwise unforeseen delays. Our records show that this shipment was addressed to: ATTN: LEGAL DEPT, TURKIYE HALK BANKASI A.S, BARBAROS MAH SEBBOY SOK, NO:4/1 KAT:21 BATI ATAZEHIR P., ISTANBUL, 34746, TR. Unfortunately, the recipient has refused delivery of this shipment.

On October 25, the recipient sent the following communication to FedEx in Turkey:

<p>ABD NewYork Güney Bölge Bassançılığı tarafından, 8563 5166 0162 0402 Takip numaralı FedEx aracılığıyla gönderilen belgeler, ABD ile Türkiye Cumhuriyeti arasında imzalanmış sözleşmelerdeki hukuki tebligat şartlarına uygun olmayan şekilde gönderildiği için Bankamız tarafından kabul edilmeden iade edilmiştir.</p> <p>T. HALK BANKASI A.S. HUKUK İŞLERİ DAİRE BAŞKANLIĞI</p> <p><i>[Signature]</i></p> <p>25/10/2019 16:50</p>	<p>Please be informed that this package (FedEx Tracking Number: 8563 5166 0162 sent by the U.S. Attorney's Office for the Southern District of New York was and not accepted by this Bank, since the form of delivery is not in compliance with the legal service provisions of bilateral treaties between the Turkey Republic and the U.S.</p> <p>Legal Depart T. HALK BANKASI</p> <p><i>[Signature]</i></p> <p>25 Oct. 2019</p>
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[REDACTED]
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Although nothing we can do or say can change the circumstances that have occurred, it is our hope that the information in this letter will help demonstrate to all concerned parties your efforts and intent to arrange the prompt delivery of this shipment as scheduled, and that the circumstances will not be allowed to reflect negatively upon those efforts.

On behalf of FedEx, I sincerely hope that this information is helpful. We appreciate your patronage, and your patience, and hope to have an opportunity in the future to serve your shipping needs.

Respectfully,

[REDACTED]
Customer Correspondent

jcl/724959